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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,002	07/13/2001	Philippe Fuchs	9320.128USWO	2602

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MINNEAPOLIS, MN 55402-0903

EXAMINER

ZAMANI, ALI A

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/856,002

Applicant(s)

FUCHS ET AL.

Examiner

Ali A. Zamani

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06-18-03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney (US Pat. No. 6,381,583 B1) in view of Lechner (US Pat. No. 6,190,172 B1) and further in view of Doi et al. (US Pat. No. 5, 670,987).

In regard to claims 1 and 8, Kenney teaches a process for making a virtual show area, and particularly a virtual shop, at nominal scale in which the user is immersed in an environment corresponding to the environment of a real show area, particularly concerning the dimensions, the distance and the process comprising the following steps: the basic image corresponding a display case broken down into a predetermined number of precalculated sub-images (Figs 5 and 6), the precalculated sub-images are projected without overlap onto a screen (20) using several video projectors (8), to form a high-resolution image with the real dimensions of a display case (4), the video projectors (see Figs 2-4) are synchronized by means of at least one personal computer (10), such that the high-resolution image built up from the projected sub-images by the video projectors forms a virtual display case (col. 2, lines 1-55), the process also comprising the following steps: a graphic model of one of the objects (22) presented on the display case (12) is created in three dimensions. Kenney substantially teaches the above claimed limitations except

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for teaching a “projector and virtual object (22) is manipulated by a user –virtual display case interface (14, 15)”. However, Lechner discloses a visual display system includes a number of display screens (12) and a number of video projectors (28) which project predetermined video images on the display screens (28) in response to control signals provided by an operator (Fig. 4, col. 6, lines 65-67). Thus, it would have been obvious to one of ordinary in the art to utilize the plurality of projectors (28) of Lechner in the system of Kenny to provide an efficient ordering method and system for products that accommodate varying customer sizes. The combination of Kenny and Lechner fail to teach “projector and virtual object (22) is manipulated by a user – virtual display case interface (14, 15)”. However, Doi et al. teach a manipulation target such as a lever or buttons is displayed in a three-dimensional virtual space using three-dimensional computer graphics and a manipulation instruction described on the basis of a relationship between the detected position and a user-virtual display interface (5). Furthermore, pieces of position information detected by the position sensor (6) are transmitted by compact transmitting section (8) arranged under the position sensor (6) (see Figs 3 and 4). Thus, Doi et al. substantially shows the concept of using a virtual object which is manipulated by means of a user-virtual display case interface, such that, as in a real show area, the user can pick up the 3D representation of the virtual object on the display case (5), move it and turn it in all directions while keeping the display case (5) is old. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize the teaching of Doi et al. in the system process of Kenny- Lechner to provide a novel and improved interactive electronic shopping system and method.

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As to claim 2 and 9, Kenny discloses video projectors (4) are synchronized by means of several networked personal computers (20a and 20n) (see Fig. 2).

In regard to claims 3 –5 and 10-12, Kenny teaches a computer program which defined three-dimensional space coordinate system set up for the shopping facility and providing one means of identifying the digitally recorded images (see Figs. 4-6) and Doi et al. teach that a manipulated by sensing the movements of the user's hand (see Fig. 2).

As to claims 6-7 and 13 and 14, Kenny teaches a method of distinctively displaying predetermined ones of displayed products, the method also includes indicating to the computer the shopper's selection of a specific product, for example clicking on the displayed product, or checking on the displayed product and dragging it to a video representation of a shopping cart, or answering a selection query in a display window on the screen by a light pen, touchscreen, keyboard actuation or other means (col. 12, lines 59-67).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Zamani whose telephone number is (703) 308-6414. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe, can be reached on (703) 305-4709.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC 20231

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**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Technology Center 2600 Customer Service Office whose telephone  
number is (703) 306-0377.

Ali Zamani

June 10, 2003



**RICHARD HJERPE**  
**SUPERVISORY EXAMINER**  
**TECHNOLOGY CENTER**